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MINUTES

UTAH STATE FIRE PREVENTION BOARD

MARCH 9, 2004

BOARD MEMBERS PRESENT

Scott W. Adams
Philip A. Whitney
R. Lee Ellertson
Tony J. Dearden
Joel Frandsen
Steven R. Hamblin
Randal C. Haslam

Board Chairman
Board Vice Chairman
Board Member
Board Member
Board Member
Board Member
Board Member

BOARD MEMBERS ABSENT

D. Blair Camp
Barry Smith

Board Member
Board Member

STAFF PRESENT

Gary A. Wise
Brent Halladay
Joan Reed
Kim Passey
Troy Mills
Deanne Mousley
Mark Burton

State Fire Marshal
State Fire Marshal's Office
State Fire Marshal's Office

Board meeting began at 8:40 AM with Chairman Scott Adams conducting.

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Item #1 on the agenda was Board meeting called to order and welcome to all by Chairman Scott Adams. Chairman Adams welcomed all the Board members and audience to the Board meeting, and he excused Chief Blair Camp and Barry Smith.

Item #2 on the agenda was approval of the January 13, 2004 Board meeting minutes. Chairman Adams asked for any additions or corrections. Commissioner Lee Ellertson made a motion for the minutes to be approved as written and Robert Fazzio seconded it. All Board members voted in favor.

Item #3 on the agenda was report to the Board by State Fire Marshal Gary Wise on the 2004 Session of the Utah State Legislature. Fire Marshal Wise distributed copies of information regarding the fire insurance taxes in the statute to create the Fire Insurance Tax Fund. Fire Marshal Wise explained that 50%, about 9 million of it goes into the Firefighter Retirement Fund. The amount of 4.5 million goes into the General Fund and another 4.5 million funds the Fire Academy and the State Fire Marshal's Office. Gary also reported on Senate Bill 26, proposed by Senator Butters, which was to increase the law enforcement Public Safety retirement cost of living adjustment from 2.5 to 4%. This year there was 1.1 million taken out of the Fire Academy Support Fund excess and was put into a fund to later fund the law enforcement COLA. Senate Bill 26 took law enforcement completely out of the picture, and they wanted to lower the amount of the money going into the support fund from 25% to 21% and from 5% to 4%. This should leave approximately \$700,000 in excess of that fund. Gary stated that he hoped the Fire Prevention Board would direct him next year to go after the \$650,000 supplemental which the budget process will be in August. Gary also reported on several different House Bills and reported if they passed or not. House Bill 150 did not pass, but great headway was made for Jim Judd and his committee.

Item #4 on the agenda was presentation to the Board by Chief Deputy Brent Halladay of proposed changes to R710-9, Rules Pursuant to the Utah Fire Prevention Law, as follows:

- A. Definition of "Appreciable Depth";
- B. Elimination of the reference to the use of the International Existing Building Code; and,
- C. Exception for supervised listed electronically monitored portable fire extinguishers.

Chief Deputy Halladay distributed copies of rule R710-9 to the Board members and read through it and pointed out the proposed changes to be finalized by the Board. Randy Haslam made a motion that the proposed changes be finalized and accepted by the Board, Robert Fazzio seconded it and all Board members voted in favor.

Item #5 on the agenda was report to the Board by Dennis Moss, Fire Service Representative, Utah Building Codes Commission, on the current actions of the

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Commission with reference to the fire service. Dennis Moss had been called to another meeting and will be coming a little later to the Board meeting.

Item #6 on the agenda was presentation to the Board by Troy Mills, Program Administrator, recommending and seeking approval from the Board for new members to the Standards and Training Council. Troy Mills distributed copies of a memo regarding the meeting summary of the Standards and Training Council. Also, which is required in the rule, the Fire Prevention Board needs to approve some of the positions on the Council. Dave Milligan was nominated to serve as Chair and Craig Golden was nominated to serve as Vice Chair. Troy distributed a copy of a list of some of the items which were discussed at the Council meeting which are some items that the Fire & Rescue Academy are proposing to include in the upcoming Operating Plan for the year 2005. There will be more discussion regarding these items at the next Standard & Training Council meeting, and then after that meeting the 2005 Operating Plan will be brought to the next Fire Prevention Board meeting for its approval so it can be in effect for the next fiscal year. Another item that was discussed, was the Professional Development Handbook. The Fire Academy has been very actively involved in a new program that Troy feels is an excellent program to help define what steps a firefighter would take in their career path in pursuing from the entry level firefighter position up through all of the positions at the fire department, including becoming the Chief. Troy discussed the proposed changes to rule R710-9 for the Fire & Rescue Academy with the Board members. Chairman Adams asked the Board members if they would like to vote on this, and Tony Dearden made a motion to approve the proposed changes on rule R710-9 to go in the same filing period as rules R710-4 & R710-5. Phil Whitney seconded it, and all the Board members voted in favor. Chairman Adams asked for a motion to add the new members to the Standards & Training Council. Phil Whitney made a motion that these new members be approved and Tony Dearden seconded it, and all Board members voted in favor.

Item #7 on the agenda was report to the Board by Troy Mills, Program Administrator, seeking direction from the Board on the completion of the required 2001 Supplemental Goals by the Utah Fire & Rescue Academy. Troy Mills distributed to the Board a copy of the required 2001 Supplemental Goals. Troy stated he had been trying to get an idea of what the stand on the \$705,000 supplemental that the Board gave to the academy in 2001, and there have been several things that have occurred, which have delayed some of the goals. The list Troy completed for the Board members showed which goals had been completed and which are still outstanding. A couple of goals are scheduled to be completed this summer. Troy asked the Board for the direction to conduct an intense and in depth audit of the money the academy had received for the goals. Chairman Adams asked the Board members for a motion for Troy to conduct the audit. Randy Haslam made a motion for the Board to give direction to Troy to conduct the audit and for it to be completed by the next meeting on May 11, 2004, and Robert Fazzio seconded it. All Board members voted in favor.

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Item #8 on the agenda was presentation to the Board by Chief Deputy Brent Halladay to gain direction from the Board on a requested variance from Danville Services Corporation to receive a “variance” to the current definition of “Ambulatory” as defined in R710-3, Assisted Living Facilities, for Type I Assisted Living Facilities. Chief Deputy Halladay stated that he wanted to seek direction from the Board to receive a “variance” to the current definition of “Ambulatory” in rule R710-3. Brent distributed copies of a letter he had received from Danville Services Corporation regarding two of their group homes, which are in Layton and Sandy. Mr. Statler from Human Services has a concern that Group Homes are not listed in Assisted Living, and Brent stated that they are not. Brent suggested to the Board that they direct the Fire Services Committee to come together and that they invite the Group Home care people, Assisted Living care people, Department of Health and Human Services and spend a few months and go through a very serious evaluation and extension of the Assisted Living rules, also that the Hospice situation be reassessed. Also that the Ambulatory versus Non-Ambulatory versus cognitively impaired and then come back to the Board, maybe in the July meeting at the latest and recommend to the Board the changes. If it impacted the Building Commission, the Code Analysis Committee would be included. There was further discussion among the Board members and audience. Chairman Adams asked for a motion to direct the Fire Marshal’s Office to move forth with organizing this committee. Tony Deaden made the motion for this committee to be organized and it was seconded by Phil Whitney, and all Board members voted in favor. Chief Deputy Halladay mentioned to those people who were in the audience that if they would like to participate in this committee, please give him their name after the meeting. Chief Deputy Halladay stated that Danville probably would keep this item on hold for a few months until the committee dissolves the matter.

Item #9 on the agenda was presentation to the Board by Chief Deputy Brent Halladay to gain direction from the Board to amend R710-9, Rules Pursuant to the Utah Fire Prevention Law, by modifying the placement of portable fire extinguishers in Group A, B and E occupancies equipped with quick-response fire sprinklers as requested by the Fire Equipment Manufacturers’ Association, Inc. Chief Deputy Halladay stated that he had distributed copies of a letter from Fire Equipment Manufacturer’s Assoc., Inc. and also a single page with a chart from the fire code. This was after the 2003 International Fire Code was adopted, and now the Fire Marshal’s Office is asking for direction on what the Board feels on issue with regard to Portable Fire Extinguishers. Chief Deputy Halladay stated that if a local community or fire district in the County wished to eliminate the rule R710-9 and make it more restrictive by an ordinance, they are allowed to do so in the fire code, except for the schools as they are under the state’s jurisdiction.

Item #10, Old Business. No old business.

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Item #11, New Business. Fire Marshal Wise distributed copies of a sheet showing the results in Utah on the 750 million fire grant, which shows that 4.6 million came into the state from a Federal grant. Gary stated that this is a tremendous amount of money and a tremendous benefit to local agencies. The sheet also shows which agencies received the money and the amount. Previously the amount that Utah received was 2.5 million. This grant has almost doubled. It has increased every year helping the Fire Departments in the State of Utah. Fire Marshal Wise also stated that the grant application period right now for next year is open from May 1, 2004 to April 2, 2004. Fire Marshal Wise stated that he is encouraging all fire departments in the state to continue to apply, even those that have received grants in the past. Also, Fire Marshal Wise said that the in state grant committee, the Fire Department Assistance grant committee was going to meet this next Thursday to set the perimeters for that process too. There is well over one million dollars that is available to Fire Departments from that grant.

Mr. Jack Bureson from the International Code Council handed out a packet including a comparison made of the amendments which were made to the 2003 codes. He stated that sometimes we need to take a harder look of what is being proposed and approved, to see if it meets the objective. He also distributed a copy of a letter to he sent to Dan Jones with the Department of Professional Licensing asking him to review the International existing Building Code, because he did not feel that enough time was allowed last year to give it the attention it deserved.

We now went back to Item #5 on the agenda for a report by Dennis Moss from the Utah Building Codes Commission. Mr. Moss stated that the Building Codes Commission had not met for the last two months, as it had been pretty quiet after the big rush last year to get the 2003 codes adopted. Mr. Moss stated the main thing that had been brought up right now was they were requested to do a review on the NFPA 5000 Code as an alternative to what we have right now. Anyone that would be interested in this would be most welcome in the discussion. Mr. Moss's second term on the Commission ends June 30, 2004. The Board should be looking for who would be replacing Mr. Moss by the next Board meeting on May 11, 2004. Mr. Moss stated that the Commission would like at least three names turned in to them, with their resumes, so the Governor could make a decision. Chief Deputy Halladay stated that if anyone had an interest, they could turn in their resume to the Fire Marshal's Office and he would bring them before the Board at the next meeting in May.

Item #12 on the agenda was next Board meeting. The next meeting will be held on May 11, 2004, at 8:30 AM at the South Salt Lake City Council Chambers. Chairman Adams asked for a motion for the Board members to go into an Executive Closed meeting. Lee Ellertson made a motion for the Board members to go into a closed meeting and to adjourn the Fire Prevention Board meeting, and Randy Haslam seconded it. All Board members voted in favor and the meeting was adjourned.